

PTO/SB/84 (10-01)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
018513-001310US

First named inventor: David Straayer, et al.

Application No.: 09/523,407

Art Unit: 2673

Filed: March 10, 2000

Examiner: David L. Lewis

Title: Auto-Calibration of Pointing Devices Used in a Computer User Interface

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (Identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☒ has been paid previously on June 5, 2002.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PETITIONS OFFICE

095234

00000002 201430

640.00 CH

PTO/SB/64 (10-01)

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 3. Terminal disclaimer with disclaimer fee

X Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

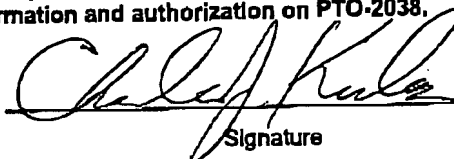
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

12-4-02

Date



Signature

Charles J. Kulas, Reg. No. 35,809

Telephone  
Number: (415) 576-0200

Typed or printed name

Townsend and Townsend and Crew, LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111

Address

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delayX Other copy of the Notice of Allowability mailed 03/08/02 indicating that the drawings filed on March 10, 2000 are acceptable as formal drawings.

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

X transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

12-4-02

Date



Signature

Julie Taylor Clough

Typed or printed name of person signing certificate

**Notice of Allowability**Application No.  
09/523,407

Applicant(s)

Straayer et al.

Examiner

David L Lewis

Art Unit

2673

**-The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/21/2001
2. ☒ The allowed claim(s) is/are 5-8
3. ☒ The drawings filed on 3/10/00 are acceptable as formal drawings.
4. ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a) ☐ All    b) ☒ Some    c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

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\*Certified copies not received: \_\_\_\_\_

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☐ Applicant MUST submit NEW FORMAL DRAWINGS
  - (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ Paper No. \_\_\_\_\_
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. \_\_\_\_\_

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449), Paper No(s). _____          | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 9 <input type="checkbox"/> Other   |   |

Atty Docket No. 018513-001310US

PTO FAX NO.: (703) 308-6916  
ATTENTION: Office of Petitions

Examiner: David L. Lewis  
Group Art Unit: 2673

**OFFICIAL COMMUNICATION  
FOR THE OFFICE OF PETITIONS**

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

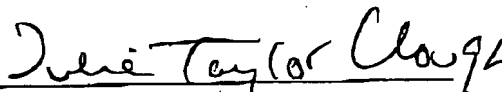
I hereby certify that the following document(s) in re Application of David Straayer, et al., Application No. 09/523,407, filed March 10, 2000 for AUTO-CALIBRATION OF POINTING DEVICES USED IN A COMPUTER USER INTERFACE is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Petition to Revive
2. Notice of Allowability indicating that the drawings filed on March 10, 2002 are acceptable as formal drawings.

Number of pages being transmitted, including this page: 4

Dated: December 4, 2002

  
Julie Taylor Clough

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200, Fax: 415-576-0300

# INITIAL SCREENING OF INCOMING PAPER CHECKLIST

Reviewer: K Chase

Date: 12-6-02

APPLICATION NO. 09/523407

## 1. PETITION TYPE CODE

☐ R137(a) Petition-----501  
☐ R137(a) Petition-----509  
     (Issue Fee/Dwgs)  
☒ R137(b) Petition-----502  
☒ R137(b) Petition-----510  
     (Issue Fee/Dwgs)  
☐ R137(f) Petition-----536  
☐ R182 Petition-----519  
☐ R183 Petition-----503  
☐ R378(b) Petition-----532  
☐ R378(c) Petition-----533  
☐ R377 Petition-----521  
☐ R3.81(b) Petition-----523  
☐ R181 Petition-----515  
☐ R181 Petition-----504

## PETITION TYPE CODE

☐ R28c Peition-----309  
☐ R47 Petition-----313  
☐ R53(e) Petition-----408  
☐ R53 (R62 filing date)----410  
☐ R10 Petition-----411  
☐ Lost Application-----412  
☐ R78(a)(3) Petition-----535  
☐ R78(a)(6) Petition-----535  
☐ R55(c) Petition-----535  
☐ R314 Petition-----508  
☐ R55(a) Petition-----507  
☐ Pet. W/D Abn-----525  
☐ R705(b) PTA-Bef iss-----550  
☐ R705(d) PTA-Aft iss-----551  
☐ R705(c)PTA-SpiteDueCare-552  
☐ Other \_\_\_\_\_

## 2. LIST PAPERS FILED WITH PETITIONS

<input type="checkbox"/> PreAmdt/Amdt	<input type="checkbox"/> CPA	<input type="checkbox"/> Associate POA
<input type="checkbox"/> Filing Fees	<input type="checkbox"/> RCE	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Reply/Arguments	<input type="checkbox"/> IDS	<input type="checkbox"/> Change of Address
<input type="checkbox"/> Election	<input type="checkbox"/> 129(a) Submsn	<input type="checkbox"/> Revocation/Poa
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Issue Fee	<input type="checkbox"/> Priority Documents
<input type="checkbox"/> Brief (3)	<input type="checkbox"/> Drawings	<input type="checkbox"/> Oath/Decl. & POA
<input type="checkbox"/> Reply Brief	<input type="checkbox"/> Rule 312 Amdt	<input type="checkbox"/> Rescind Non-Pub Req.
<input type="checkbox"/> Declaration R132	<input type="checkbox"/> Ext Time ( )	<input type="checkbox"/> Statement 3.73(b)

Other Papers \_\_\_\_\_

3. Is paper a petition to withdraw holding of abandonment: yes no  
 If so, send paper and/or file to appropriate location (**Note: remove any flag set first**):

- Nonreceipt of action from TC or assertion that reply was timely filed:  
 Send paper to TC \_\_\_\_\_
- Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:  
 Send paper to DIRECTOR -OIPE - -CP2-7D25 (PH: 308-0910)
- Assertion of timely payment of issue fee and/or submission of drawings:  
 Send petition to Office of Publications: ATTN: Tom Hawkins
- Other \_\_\_\_\_

4. Other: \_\_\_\_\_

If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location? yes no If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division, etc.)